

U.S. Department of Justice

United States Attorney
Southern District of New York

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86 Chambers Street, Third Floor
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September 12, 2011

BY HAND AND ELECTRONIC MAIL

The Honorable Alvin K. Hellerstein
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

So Ordered.
Alv. K. Hellerstein
9/15/2011

Re: In re September 11 Litigation
21 MC 101 (AKH)

Bavis v. United Air Lines, Inc.
02 Civ. 7154 (AKH)

Dear Judge Hellerstein:

We write respectfully to advise the Court that pursuant to section 6.6 of the Protective Order Governing Access to, Use and Handling of Sensitive Security Information at Trial, entered by the Court on June 30, 2011, we are filing today under seal and delivering to chambers courtesy copies of (1) the consolidated schedules of outstanding SSI designations in dispute, and the objections thereto,¹ (2) the Government's memorandum in support of its objections to the parties' respective SSI designations and counter-designations, and (3) copies of the documents for which there are disputed SSI designations.²

These documents were due to be filed on Friday, September 9. However, this

¹ As explained in the Government's memorandum, for the Court's convenience, we have listed all disputed designations on a single schedule with the exception of those pertaining to Security Directives and Information Circulars. Given the manner in which Security Directives and Information Circulars were issued and reissued over time, we concluded that it would be more helpful to the Court if these documents were gathered and listed together in a separate schedule.

² As we discussed with Mr. Roth this morning, a CD-Rom containing the documents for which there are outstanding SSI designation disputes will be provided to chambers later this afternoon.

Office agreed to be responsible for preparing the consolidated schedules, and the parties continued to narrow and revise their designations and objections and alert us to such revisions throughout the day on Friday. We received emails from the parties containing revisions to the consolidated schedules as late as 9:22 PM on Friday. As a result, we were unable to finalize the consolidated schedules and the Government's objections and file them on Friday. The schedules and objections were served on the parties on Saturday and, as noted, are being filed with the Court under seal this morning.

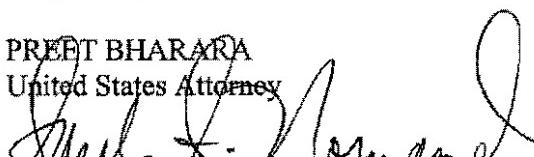
Accordingly, we respectfully request that the Court accept filing of the consolidated schedules and the Government's objections *nunc pro tunc*. The parties have consented to this request.

We thank the Court for its consideration of this matter.

Respectfully,

Preet Bharara
United States Attorney

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